

Environmental Health Coalition

COALICION de SALUD AMBIENTAL

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SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

March 27, 2002

Mr. John Minan and Regional Board Members
Regional Water Quality Control Board
9174 Skypark Court
San Diego, CA 92124

RE: Oppose Tentative Order R9-2002-0002 Waste Discharge Requirements for U.S. Navy, Naval Base Point Loma, San Diego County.

Dear Chairman Minan and Board members:

Environmental Health Coalition (EHC) wishes to make additional comments to supplement our March 14, 2002 letter which, together, constitute our comments on this tentative permit. We incorporate our earlier letter by reference. This permit should **not** be adopted in its current form and must be radically improved in order to protect water quality and beneficial uses in San Diego Bay. Our supplemental concerns surround the use of the EPA Multi-Sector permit benchmark of 63.6 ppb copper as a de-facto limit for copper in discharges. In examination of the source of the EPA benchmark (Federal register Vol 65, No. 2110/ Monday, October 20 page 64766) it is noted that the selection of the benchmark has nothing to do with measured impacts on toxicity or water quality. The source of the benchmark is notes as "*minimum level (ML) base upon highest Method Detection Limit (MDL) times a factor of 3.18.*" This is not an "effects based" limit.

However, the 3.1 ppb limit for copper in San Diego Bay is established to protect against toxic effects. It is unacceptable for the Navy to be allowed to discharge toxic water into San Diego Bay in excess of the limit and without toxicity testing to ensure that it is not acutely toxic.

Copper is generally less toxic to fresh water organisms than marine organisms. This fact is part of the complexity of copper and how it behaves in the environment. Copper changes depending on the salinity and pH of the medium and it can change forms, which can cause different effects. Since all of the other sources for the benchmark limits are freshwater limits, we are concerned that the EPA has based this opinion on freshwater effects and not marine life effects. **It is the responsibility of the Regional Board to assess if 63.6 ppb is an appropriate discharge level into marine water.** We must be sure not to apply a freshwater standard to a salt water environment. This "limit" should be thrown out and toxicity testing, such as we require for the smaller boatyards and the shipyards around the Bay should be required. No facility should be



above the law.

This "limit" and the other issues raised in our March 14, 2002 must be address before this permit can be deemed protective of water quality. It is very important to get this first Navy permit "right" as it is the intent of the Board for this to be the model for the other Navy facility permits. We support this strategy as long as they are protective of the Bay.

Thank you very much for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Laura Hunter". The signature is written in dark ink and is positioned above the printed name and title.

Laura Hunter, Director
Clean Bay Campaign